



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 10, 2009.

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: Deborah Baragan
Deborah Baragan

Appl. No. : 10/580,985 Confirmation No. 5992
Applicant : Nathan Arthur Tranter, et al.
371 Filing Date: October 5, 2006
TC/A.U. : 3637
Examiner : Matthew W. Ing

Docket No. : 42-000600US
Customer No. : 22798
Client Ref No.: 504444

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT WITH CONTINGENT
PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

PETITION TO WITHDRAWN HOLDING OF ABANDONMENT

Applicants request withdrawal of the clearly erroneous Notice of Abandonment received in the above case. The facts are as follows.

(1) Applicants received a Restriction Requirement on December 24, 2008, setting a one month date for response, extendible to six months using the usual provisions of 37 C.F.R. 1.136(a).

(2) Applicants **timely filed** a "RESPONSE TO RESTRICTION REQUIREMENT" on January 15, 2009. A copy of Applicants' submission, marked "copy" is provided herewith. Proper certificate of mailing procedures were used throughout the submission to indicate that the submission was timely deposited with the US Post Office on January 15, 2009, thus setting the filing date for the submission, pursuant to 37 C.F.R. § 1.8.

(3) Applicants received a stamped post card from OIPE, plainly indicating that the Patent Office received Applicants submission (date stamped postcard showing date of receipt of January 21, 2009), *copy enclosed*. The date of receipt stamped by the USPTO is entirely consistent with Applicants' date of mailing, further evidencing that Applicants' timely mailed the response.

(4) Applicants' response appears on the USPTO PAIRS system as of the date of this petition, with a receipt date of January 21, 2009, further unequivocally demonstrating that the Patent Office received Applicants' timely submission. A copy of the Transmittal, with the date received stamp, is printed from PAIRS and provided herewith.

(5) Please note that an Information Disclosure Statement was also submitted with the RESPONSE TO RESTRICTIONS REQUIREMENT on January 15, 2009. Copies of the Information Disclosures Statement and 1449 form have been enclosed for reference. Applicants respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

(6) Despite the above, Applicants received an ERRONEOUS Notice of Abandonment on September 8, 2009, incorrectly alleging failure to provide a response to the Restriction Requirement March 26, 2007. The mail date on the Notice was September 2, 2009.

Clearly, the Office has made an error in the subject Notice of Abandonment. A response to the Restriction Requirement (January 15, 2009) was timely filed, as demonstrated by the stamped return receipt post card, and appearance of the response in PAIRS. Accordingly, **THE NOTICE OF ABANDONMENT MUST IMMEDIATELY BE WITHDRAWN.**

Further, Applicants must be granted a patent term adjustment to extend the period of patent term on any case that arises out of the instant application to account for the complete period between the ERRONEOUS Notice of Abandonment, and a proper withdrawal of the holding of abandonment. Finally, because the Notice of Abandonment was a clear error, the Office should expedite consideration of this petition.

In the event that the petition to withdrawn the holding of abandonment is not granted, Applicants formally request a teleconference with the Officer deciding this petition and an appropriate supervisor.

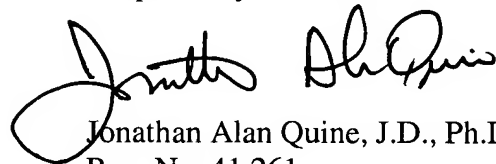
CONTINGENT PETITION TO REVIVE

Solely in the event that the above petition to withdraw the holding of abandonment is NOT granted, Applicants petition to revive the application for unintentional abandonment. **Applicants note that they strongly dispute any alleged abandonment for the reasons noted above. Applicants timely filed an appropriate response, and the Office's Notice of Abandonment was clear error.**

In light of the above, Applicants note that any purported abandonment was also at least unintentional. Applicants hereby state that the entire delay was unintentional. Please charge Applicants any fees that may be associated with this petition to revive from the undersigned's Deposit Account No. 50-0893.

Applicants note that the requisites of a petition to revive (MPEP 711.03(c)) are clearly provided herewith, i.e., a statement that the entire delay was unintentional, an appropriate reply (in the form of the copy of the RESPONSE TO RESTRICTION REQUIREMENT provided herewith), and authorization to charge fees for the petition. **Solely in the event that the above petition to withdraw is not granted**, please revive the application pursuant to this contingent petition.

Respectfully submitted,



Jonathan Alan Quine, J.D., Ph.D.
Reg. No. 41,261

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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: Deborah Barragan
Deborah Barragan

COPY

Appl. No. : 10/580,985 Confirmation No. 5992
Applicant : Nathan Arthur Tranter, et al.
371 Date : October 5, 2006
TC/A.U. : 3637
Examiner : Matthew W. Ing

Docket No. : 42-000600US
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Client Ref No.: 504444

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement of December 24, 2008, Applicants elect species 2, Figures 3-4 and claims 11-18, without traverse. Claims 1 and 19-22 are generic. Applicants understand that species 1 (Figures 1-2C, and claims 2-10) will be considered upon allowance of a generic claim.

While this election is made without traverse, the Examiner is respectfully directed to Applicants' Preliminary Amendment dated May 25, 2006, as the indication of pending claims in the Requirement is incorrect. Claims 1-3, and 5-22 are pending.

Applicants note that an IDS accompanies this response.

If a telephonic interview would be helpful, please contact the undersigned.

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Tel: 510 337-7871
Fax: 510 337-7877

Respectfully submitted,

Jonathan Alan Quine
Jonathan Alan Quine, J.D., Ph.D.
Reg. No: 41,261

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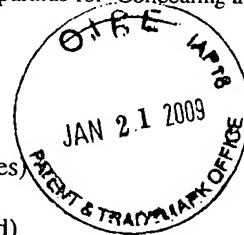
TO THE U.S. PATENT & TRADEMARK OFFICE

Please stamp the date of receipt of the following document(s) and return this card to us:

RE: Response to Restriction Requirement for Apparatus for Concealing a Product

TITLE OF DOCUMENT(S):

- Transmittal
- Response to Restriction Requirement
- Information Disclosure Statement (2 Pages)
- PTO-form 1449
- 5 Cited References (1 Reference Enclosed)
- Receipt Acknowledgement Postcard



Application No. 10/580,985

File No. 42-000600US

Date Due January 24, 2009

Date Mailed January 15, 2009

Atty/Secty. JAQ:db

RECEIVED

JAN 27 2009

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

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PTO/SB/21 (12-07)

Approved for use through 12/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

10/580,985

Filing Date

October 5, 2006

First Named Inventor

Nathan Arthur Tranter

Group Art Unit

3637

Examiner Name

Matthew W. Ing

Attorney Docket Number

42-000600US

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
☐ Fee Attached
☒ Amendment / Response
☒ Response to Restriction Requirement
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☒ Receipt Acknowledgement Postcard
☒ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts/ Incomplete Application
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☒ PTO-1449 Form
☒ 1 References
☐ Copy of PCT Search Report
☐ Copy of EP Search Report
☐ CD, Number of CD(s) _____
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Small Entity Statement
☐ Request for Refund

- ☐ Interview Summary
☐ Request for Continued Examination (RCE)
☐ Request for Corrected Filing receipt
☐ Copy of Filing Receipt - marked up
☐ Status Letter
☐ Additional Enclosure(s) (please identify below):

Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual name

Jonathan Alan Quine, Reg. No. 41,261, Quine Intellectual Property Law Group, P.C.

Signature

Date

January 15, 2009

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Typed or printed name

Deborah Barragan

Signature

Date

January 15, 2009

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By: Deborah Barragan
Deborah Barragan

Appl. No. : 10/580,985 Confirmation No. 5992
Applicant : Nathan Arthur Tranter, et al.
371 Filing Date: October 5, 2006
TC/A.U. : 3637
Examiner : Unassigned

Docket No. : 42-000600US
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Client Ref No.: 504444

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97 and § 1.98

Sir:

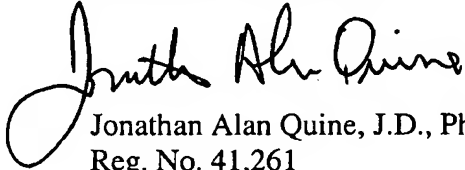
The references cited on attached form PTO-1449 are being called to the attention of the Examiner. A copy of the foreign reference is enclosed. Copies of the cited US Patents have not been enclosed because they are no longer required by the office for submission. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

COPY

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action on the merits per 37 CFR 1.97(b)(3). However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0893. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Jonathan Alan Quine, J.D., Ph.D.
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PTO/SB/08a (08-08)

Approved for use through 09/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A-B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	10/580,985
Filing Date	October 5, 2006
First Named Inventor	Nathan Arthur Tranter
Group Art Unit	3637
Examiner Name	Matthew W. Ing
Attorney Docket Number	42-000600US
Date Submitted	January 15, 2009

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code (if known)			
	1	4,261,122		LeVein	04-14-1981	
	2	5,247,744		Ferris et al.	09-28-1993	
	3	4,625,657		Little et al.	12-02-1986	
	4	5,513,579		Allan	05-07-1996	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (if known)				
	5	NZ	508084		Peacock	06-06-2001		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.